

### Remarks

Claims 1-24 were originally filed with this application and remain pending. In the present response, claim 17 has been amended. No new matter has been added by the amendments presented herein. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

### Specification

In the outstanding Action, the Examiner required that the status of copending applications be updated in the specification. The Examiner noted that neither of the cited applications has actually issued. Accordingly, Applicants have amended the CROSS-REFERENCE TO RELATED APPLICATIONS section of the specification by deleting the portion referring to the patent number and issue date for copending patent application Serial No. 10/342,475, filed January 16, 2003 and by adding the serial number and filing date for the copending patent application entitled "SELECTIVE CATALYTIC OXYBROMINATION OF HYDROXYAROMATIC COMPOUNDS". Paragraph [0019] was also amended to include the serial number and filing date for the copending application discussed therein. The attorney docket numbers have also been deleted from the CROSS-REFERENCE TO RELATED APPLICATIONS section and paragraph [0019] of the specification.

### Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 16 and its dependent claim 17 were rejected under 35 U.S.C. § 112, second paragraph for being indefinite. It is the Examiner's opinion that the term "polar organic solvent" recited in claim 16 is ambiguous because "water" is included in the list of solvents recited in dependent claim 17. To overcome the rejection, Applicants have deleted the word "organic" from the term in claim 16. Similarly, Applicants have amended paragraph [0016] of the specification by deleting the word "organic" between "polar" and "solvent".

Non-Statutory Double Patenting

Claims 1-8 and 12-23 were provisionally rejected under the judicially-created doctrine of double patenting over claims 1-6, 11, 13-23, 25, and 26 of copending Application Serial No. 10/650,567. In response to this rejection, Applicants submit herewith a Terminal Disclaimer to obviate the provisional double patenting rejection over the aforementioned copending application and fee therefore in compliance with 37 C.F.R. §§1.321(b) and (c). However, if additional fees are required for the filing of the present Terminal Disclaimer, the Commissioner is hereby authorized to charge those fees to Deposit Account No. 08-1935.

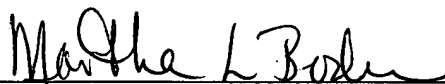
Allowable Subject Matter

Claims 9-11 were objected to as being dependent upon a rejected claim base. Claim 9 depends from independent claim 1, and claims 10 and 11 depend from claim 9. Applicants submit that the provisional Terminal Disclaimer submitted herewith overcomes the rejection of claim 1. Therefore, there is no need to rewrite claims 9-11 into independent form, and claims 9-11 are therefore in condition for allowance as originally presented.

Claim 24 has been allowed.

There being no further outstanding issues, Applicants submit that claims 1-24 are now in condition for allowance, and Applicants respectfully request the same. However, if the Examiner has any questions or further comments regarding the pending claims, he is invited to contact Applicants' representative at the number below.

Respectfully submitted,



Martha L. Boden  
Attorney for Applicants  
Reg. No. 39,115

Dated: September 15, 2005  
HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518)452-5600  
Facsimile: (518)452-5579